

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**SEPTEMBER 29, 2010**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Krieger** called the City Council meeting to order.

**INVOCATION/PLEDGE**

**Wayne Whitaker**, Hospice of Yuma, gave the invocation. **Richard Files**, Assistant City Attorney, led the City Council in the pledge of allegiance.

**ROLL CALL**

Councilmembers Present:	Stuart, Mendoza, Beeson, Brooks-Gurrola, and Mayor Krieger
Councilmembers Absent:	McClendon and Johnson
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Director of Parks and Recreation, Becky Chavez Various Department Heads or their representative Assistant City Attorney, Richard Files City Clerk, Lynda L. Bushong

**FINAL CALL**

**Mayor Krieger** made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS**

**Wilkinson** and **Chavez** bid farewell to David Faires, Urban Forestry Supervisor for the Parks and Recreation Department, City of Yuma, and presented him with a certificate of appreciation in recognition of his services to the City.

**I. CALL TO THE PUBLIC**

**Michael Toney**, no address provided, spoke about Native Americans being a sovereign nation and the laws associated with the Native Americans.

**Dunbar Norton**, 12267 E. Del Norte, spoke about the increasing winter visitor population in Yuma County and the effect winter street/utility construction projects have on small businesses. There is less business during the summer; therefore, summer would be an ideal time to begin the 5<sup>th</sup> Avenue watermain project. He urged the City Council to evaluate the project and its effect on the 5<sup>th</sup> Avenue businesses because of their limited access.

**Sharon McKinley**, 1900 Dora Avenue, stated that the Assistance League of Yuma thrift shop is located on 5<sup>th</sup> Avenue and the "Operation School Bell" store is directly across the street on 4<sup>th</sup> Avenue; however, when buses bring children to the store they park on 5<sup>th</sup> Avenue. During this recession, there has been a significant increase in the number of children who receive clothing from Operation School Bell. Severely limited

access created by the 5<sup>th</sup> Avenue utility project will have an adverse impact on the Assistance League's ability to provide services to the public. Operation School Bell does not provide services during the summer months and the thrift shop is only open one day a week, making summer a better time to begin the project.

**Raul DeAnda**, 1575 Hillside Place, owner of Arizona Lighting Company of Yuma, 1152 S. 4<sup>th</sup> Avenue, spoke in opposition to the 5<sup>th</sup> Avenue watermain project beginning in the winter. The winter months are the busiest time of the year for his company; closing 5<sup>th</sup> Avenue during this time could kill his business. Delivery trucks already have a hard time backing into his business because the access is off 5<sup>th</sup> Avenue. He urged the City Council to reconsider the start date on the project.

**Danny Kujala**, 1237 S. 41<sup>st</sup> Avenue, stated he owns a business at 1311 S. 5<sup>th</sup> Avenue, on which three families depend for their survival. There is only one access to the business and it's off 5<sup>th</sup> Avenue; cutting off access during the busy season would severely impact the business. He urged the City Council to delay the project until the summer months to allow the business owners to continue making a living.

**Ken Rosevear**, Yuma County Chamber of Commerce, 180 W. 1<sup>st</sup> Street, stated the Chamber of Commerce has received numerous calls from business owners regarding various construction projects in general and the 24<sup>th</sup> Street to Avenue 3E project in particular. He personally visited five of the eleven businesses who have complained and was overwhelmed to learn the businesses have suffered an 80% drop in business. The project process needs to include access issues in the bid or planning stage. Communication is essential to the survival of the small business during construction; giving little to no notice of projects is not acceptable.

**Joely Beck**, Dream a Little Dream, 2573 E. 24<sup>th</sup> Street, representing Alliance Tattoo, Sundance Insurance, Poisonous Pinups, Victors Remodeling and Dream a Little Dream, spoke about the construction projects at 24<sup>th</sup> Street and Avenue 3E. Although the business owners are excited to see the 24<sup>th</sup> Street project completed, they still wish it had been postponed because of the drop in business it has caused. She outlined the issues pertaining to the Avenue 3E construction project and urged the City Council to reconsider the 5<sup>th</sup> Avenue project. She fears crews will be taken off the Avenue 3E project in favor of the 5<sup>th</sup> Avenue project, further delaying the Avenue 3E project's completion.

**Don Peterson**, DPE Construction, 1617 W. 34<sup>th</sup> Street, stated that the City of Yuma's Engineering staff has written certain specifications into the requirements for the 5<sup>th</sup> Avenue project, such as working a short segment at a time and providing access to the businesses. It is not the intent of DPE to hurt businesses. If the City begins scheduling work only in the summer, it will cause chaos in the community and the construction industry. DPE is committed to working with the businesses on 5<sup>th</sup> Avenue to ensure they have continued access during the construction. In regards to the 24<sup>th</sup> Street project, DPE regrets any lack of communication and every effort is being made to complete the project in a timely manner. Regardless of when a project starts, there will always be concerns of inconvenience; there needs to be balance of everyone's needs and delaying the project could hurt DPE.

## **II. MOTION CONSENT AGENDA**

**Motion** (Mendoza/Beeson): To adopt the Motion Consent Agenda as recommended, with the exception of Item B9, which was pulled by Stuart for separate consideration. Voice vote: **approved 5-0.**

A. Approval of minutes of the following City Council meetings:

Regular Council Meeting	June 2, 2010
Special Worksession	July 6, 2010
Regular Worksession	July 6, 2010
Special Worksession	July 20, 2010
Special Council Meeting	July 20, 2010
Regular Council Meeting	July 21, 2010
Regular Council Meeting	August 4, 2010

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve a Special Event Liquor License application submitted by Mike Ray Suba, Jr., on behalf of the Yuma Sunrise Rotary Club for a Renovation Movie Premier Event. The fundraiser event will be held October 23, 2010, at the Yuma Quartermaster Depot State Historic Park, 201 N. 4th Avenue, from 5:00 p.m. to 11:00 p.m. (SP10-15) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Barry Olsen, on behalf of the Caballeros de Yuma, Inc. for the Colorado River Crossing Balloon Festival. The fundraiser event will be held November 20, 2010, at the Ray Kroc Complex located at 3500 S. Avenue A, from 11:00 a.m. to 9:00 p.m. (SP10-16) (Admin/Clerk)
4. Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by Scott Crace, agent for Texas Roadhouse, for the "Battle of the Bands" event on October 30, 2010 to be held at 594 E. 16th Street, Yuma, Arizona. (EP10-06) (Admin/Clerk)
5. Award to the lowest responsive/responsible bidder, for Figueroa Water Pollution Control Facility Digester Improvements, at a total cost of \$3,021,810.00 to Haydon Building Corp., Phoenix, Arizona. (Bid #2010000464) (Eng)
6. Authorize City Administrator to enter into an agreement between the Arizona Department of Homeland Security and Yuma Police Department for reimbursement of funds expended for overtime and mileage in support of Operation Stonegarden. (Police/Patrol)
7. Amend the insurance requirements of the Yuma Territorial Prison State Historic Park Operating Agreement to conform to the requirements contained within the Intergovernmental Agreement between Arizona State Parks and the City of Yuma. (Admin/YCNHA)
8. Approve an agreement with the Yuma Crossing National Heritage Area to implement a grant total of \$2,000,000.00 from the Bureau of Reclamation for enhancement and maintenance of the North and South Channel projects and restoration of the main stem of the Colorado River within the Yuma East Wetlands. (Admin/YCNHA)
9. Removed for separate consideration; see below.

**Motion Consent Agenda Item Removed for Separate Consideration**

- B.9. Award to the lowest responsive/responsible bidder, for New 12" Watermain and Pavement Replacement 5th Avenue from 8th Street to 16th Street, at a total cost of \$977,286.56 to DPE Construction, Inc., Yuma, Arizona. (Bid # 2010000440) (Eng)

(Clerk's note: Comments from the public were taken on this item at the Call to the Public.)

**Motion** (Stuart/Brooks-Gurrola): To adjourn to Executive Session for the purpose of discussing and consulting with legal counsel on the above item. Voice vote: **approved** 4-1; Mendoza voting nay. The City Council adjourned to the Executive Session at 6:09 p.m. and reconvened at 6:30 p.m.

**Motion** (Stuart/Beeson): To award the bid, for New 12" Watermain and Pavement Replacement 5th Avenue from 8th Street to 16th Street, to the lowest responsive/responsible bidder, DPE Construction with the provision that the construction begin not prior to April 4, 2011.

**Mendoza** asked for permission to leave the meeting after the vote is taken, noting that regardless of when the 5<sup>th</sup> Avenue project begins, there will be business owners who are upset and inconvenienced. The road will not be a completely shut down during the construction. The City has learned its lesson from the miscommunication on the Avenue 3E project; therefore, it will work with the business owners to alleviate any inconvenience they may encounter.

**Stuart** stated the City Council is attempting to be fair to everybody and is working on a plan to deal with future street closures as the community grows. Yuma's infrastructure is outmoded; the streets were not designed to take the high volume of traffic they are experiencing. The City Council will consider the most reasonable solution to minimize the impact on the community and respect the contractors.

Voice vote: **approved** 5-0.

**Mendoza** left the meeting at 6:35 p.m.

**III. RESOLUTION CONSENT AGENDA**

**Motion** (Beeson/Brooks-Gurrola): To approve the Resolution Consent Agenda as recommended.

**Bushong** displayed the following titles:

**Resolution R2010-52**

**A resolution granting final approval to the issuance of one or more series of the Industrial Development Authority of the City of Yuma, Arizona Industrial Development Tax-Exempt Revenue Bond (Excel Group Project), Series 2010, in an aggregate principal amount of not to exceed \$2,600,000 to refinance the outstanding principal amount of the Industrial Development Revenue Bond of Yuma County, Arizona Industrial Development Revenue Bond (the Excel Group Project), Series 2002 for the Excel Group, Inc. d/b/a Yuma W.O.R.C. Center and to perform upgrades and maintenance to facilities**

(Attny)

**Resolution R2010-54**

**A resolution of the City Council of the City of Yuma, Arizona, creating and appointing the Election Board to serve as a Board of Election at the City General/Special Election to be held on November 2, 2010**

(Admin/Clerk)

**Resolution R2010-55**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Development Agreement with the developer of real property generally located at the northeast corner of Avenue 6E and 48th Street**

(Applicant: Ocotillo Desert Development, LLC) (DCD/Planning)

Roll call vote: **adopted** 4-0.

**IV. ADOPTION OF ORDINANCES CONSENT AGENDA - none**

**V. INTRODUCTION OF ORDINANCES**

**Bushong** displayed the following titles:

**Ordinance O2010-50**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the Agriculture (AG) District to the Low Density Residential (R-1-5) District and the Medium Density Residential (R-2-5) District and amending the zoning map to conform thereto**

(Z2010-009; applicant: Dahl, Robins and Associates on behalf of Yuma Desert Land, LLC; rezoning of property: Southeast Corner of Avenue 7E and 36<sup>th</sup> Street) (DCD/Planning)

**Ordinance O2010-51**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain parcels of real property, hereinafter described, be acquired by the City of Yuma, by gift, easement, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcels of real property**

(Right-of-way acquisition: southwest corner of 16<sup>th</sup> Street and Maple Avenue; CIP 5.574) (Eng)

**VI. PUBLIC HEARINGS - none**

**VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Motion** (Beeson/Brooks-Gurrola): To re-appoint Judy Phillips to the Parks and Recreation Commission with a term to expire on September 1, 2015. Voice vote: **approved** 4-0.

**Motion** (Beeson/Stuart): To appoint Ted Martinez to fill an unexpired term with the Clean and Beautiful Commission with a term to expire on December 11, 2010. Voice vote: **approved 4-0.**

**Motion** (Beeson/Stuart): To appoint Theodore Manno to the Clean and Beautiful Commission with a term to expire on September 29, 2013. Voice vote: **approved 4-0.**

**Motion** (Beeson/Stuart): To appoint Wayne E. Hutchison to the Community Tree Board with a term to expire on September 29, 2013. Voice vote: **approved 4-0.**

**Motion** (Beeson/Stuart): To appoint Jay Clinger to fill an unexpired term with the Residential Advisory Board that will expire on September 1, 2011. Voice vote: **approved 4-0.**

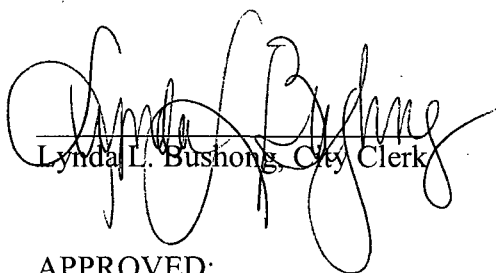
### VIII. SUMMARY OF CURRENT EVENTS

**Wilkinson** reminded the public of the following items:

- The Yuma Star competition begins tonight at 7:00 p.m. with Group One, Group Two will perform on October 6, 2010, and the final competition will be held on October 20, 2010.
- The next Household Hazardous Waste collection day is on October 9, 2010 from 8:00 a.m. to 12:00 p.m.
- The next City Staff Meet and Greet with the business community is October 4, 2010 from 4:00 p.m. to 6:00 p.m. at Outback Steakhouse; City staff would like to thank the business owners on 16<sup>th</sup> Street for working with the City during the 16<sup>th</sup> Street construction project.

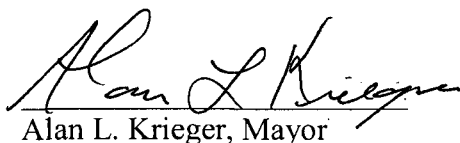
### IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Krieger** adjourned the meeting at 6:44 p.m. An Executive Session was held at 6:11 p.m.; no further executive session was held subsequent to adjournment.



Lynda L. Bushong, City Clerk

APPROVED:



Alan L. Krieger, Mayor

Approved at the City Council Meeting of: <u>November 3, 2010</u>
City Clerk: <u>[Signature]</u>